

BEFORE THE STATE BOARD OF SOCIAL WORK EXAMINERS

STATE OF IDAHO

In the Matter of the License of:

Case No. SWO-2005-11

EDWARD P. McCARROLL,
License No. LSW-327,

SECOND AMENDED FINAL ORDER

Respondent.

THIS MATTER came before Jean R. Uranga, the designated Hearing Officer. The State appeared by its attorney of record, Emily Mac Master, Idaho Deputy Attorney General. Respondent, Edward McCarroll, was represented by Anthony M. Valdez in this proceeding. The parties submitted a Stipulation RE: Facts And Violations dated June 6, 2006 in lieu of an evidentiary hearing and both parties later submitted written closing briefs. The Hearing Officer submitted her Findings of Fact, Conclusions of Law, and Recommended Order.

This matter then came before the Idaho State Board of Social Work Examiners, and after a review of the record and good cause appearing therefore, the Board unanimously adopted the following Order.

IT IS HEREBY ORDERED as follows:

1. The Board adopts the Hearing Officer's Findings of Fact and Conclusions of Law, and incorporates the same herein by this reference.
2. That Respondent's actions constitute unprofessional conduct under Idaho Code Section 54-3211(6) and IDAPA 24.14.01.450.03.a., 24.14.01.450.01.g and 24.14.01.450.01.i. and further constitute grounds for disciplinary action against his

SECOND AMENDED FINAL ORDER - 1.

license to practice social work in the state of Idaho pursuant to Idaho Code Sections 54-3211 and 54-3212 and IDAPA 24.14.01.475.

One of the main principles of social work practice is to promote the well being of the client. The practice of social work by a licensed social worker, consistent with the licensure act and Board rules, help achieve this principle, including practicing within one's competency as established by their license level, protecting a client's confidentiality, and treating clients with dignity and respect.

It is clear that the Respondent's conduct in this case, in three separate matters, significantly failed to promote the well being of his clients. Respondent clearly practiced beyond the scope of his license status and education by providing a diagnosis in a sex offender evaluation which exceeded the scope of his license by two levels. Only a licensed clinical social worker may independently diagnose a client's mental condition. A clinical social worker possesses at least a Master's level education and 3,000 hours of supervised experience.

Respondent also significantly disregarded the confidentiality of his clients in allowing written sexual histories of participants in a group to be taken back to the jail by various inmates participating in the group setting. Respondent's breach of confidentiality in this context is deemed significant considering the information involved, the jail setting, and the nature of the clients. Finally, the Respondent's collection letter to his client as worded showed a clear lack of concern to his client's health and mental welfare.

It is therefore the Board's opinion, based upon the number of independent acts by Respondent constituting a violation of the Act and rules, and given the evidence

SECOND AMENDED FINAL ORDER - 2.

indicating a significant lack of concern for his client's welfare, that Respondent should be punished and that his discipline be severe, including a suspension of his license and other sanctions as set forth herein.

The Board therefore imposes the following disciplinary sanctions upon Respondent Edward P. McCarroll:

a. That Respondent's license and rights of renewal or reinstatement shall be suspended for one (1) year; deemed to run from November 13, 2006 through November 12, 2007.

b. That Respondent shall pay the costs and attorney fees incurred by the State in the amount of \$8,953.10, as itemized and attached to this Order.

c. That Respondent shall satisfactorily complete a five (5) unit graduate level course in ethics in a face to face setting. Respondent must receive prior approval by the Board as to both the institution and coursework for which he is seeking credit. Respondent shall provide to the Board proof of attendance.

d. Upon completion of the suspension and compliance with this Order, the Respondent shall meet with the Board for reinstatement of his license and take such education or practice under such supervision as the Board deems appropriate.

3. This is the Final Order of the Board.

a. Any party may file a Petition for Reconsideration of this Final Order within fourteen (14) days of the service date of this Final Order. The Board will dispose of the Petition for Reconsideration within twenty-one (21) days of its receipt, or

SECOND AMENDED FINAL ORDER - 3.

the Petition will be considered denied by the operation of law. (See, Idaho Code Section 67-5247(4).)

b. Pursuant to Idaho Code Sections 67-5270 and 57-5272, any party aggrieved by this Final Order, or orders previously issued in this case, may appeal this Final Order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which: (i) a hearing was held; (ii) the final agency action was taken; or (iii) the party seeking review of this Final Order resides.

c. An appeal must be taken within twenty-eight (28) days: (i) of the service date of this Final Order; (ii) of any order denying petition for reconsideration; or (iii) of the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. (See, Idaho Code Section 67-5273.) The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

4. The Bureau Chief of the Bureau of Occupational Licenses shall cause a true and correct copy of this Final Order to be served upon the Respondent and the State's attorney by mailing a copy to them at their addresses as provided.

DATED this 25th day of August, 2008.

STATE BOARD OF SOCIAL WORK
EXAMINERS

By


Robert Payne, Chair

CERTIFICATE OF SERVICE

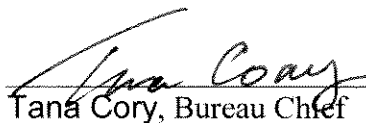
I HEREBY CERTIFY that on the 28th day of August, 2008, I caused to be served, by the method(s) indicated, a true and correct copy of the foregoing upon:

Emily Mac Master
Deputy Attorney General
Office of the Attorney General
P.O. Box 83720
Boise, ID 83720-0010

☒ U.S. Mail
☒ Statehouse Mail
☐ Federal Express
☐ Fax Transmission

Anthony M. Valdez
Benoit Alexander Harwood High
& Valdez, LLP
P.O. Box 366
Twin Falls, ID 83303-0366
Attorneys for Respondent

☒ U.S. Mail
☐ Hand Delivered
☐ Federal Express
☐ Fax Transmission
(208) 734-1438


Tana Cory, Bureau Chief

M:\BOL\Social Worker\McCarroll, Edward\Pleadings\7330_03 Second Amended Final Order.wpd

BEFORE THE BOARD OF SOCIAL WORK EXAMINERS

STATE OF IDAHO

In the Matter of the License of of:)
) Case No. SWO-2005-11
 EDWARD P. McCARROLL,)
 License No. LSW-327,) **AFFIDAVIT OF COSTS AND**
) **ATTORNEY FEES**
 Respondent.)
)

[illegible]

I, Budd Hetrick, being first duly sworn, depose and say:

1. I am a Deputy Bureau Chief for the Bureau of Occupational Licenses and have personal knowledge of and am competent to testify to the matters stated herein.

2. Attached hereto are true and correct copies of the following documentation reflecting the amount expended by the Board of Social Work Examiners (the "Board") in the investigation and prosecution of this matter:

a. 11/17/06 Affidavit of Emily A. Mac Master, Deputy Attorney General, attached as Exhibit A;

b. 3/25/05 Voucher from Mary A. Curran, attached as Exhibit B;

c. 10/4/06 Statement from the Hearing Officer, attached as Exhibit C;

and

d. Itemization of investigator time, attached as Exhibit D.

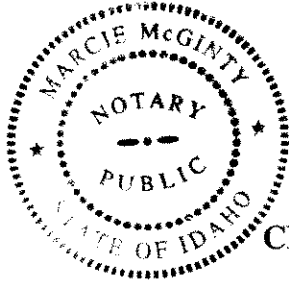
3. Based upon the attached Exhibits, the Board has expended the following in the investigation and prosecution of this matter:

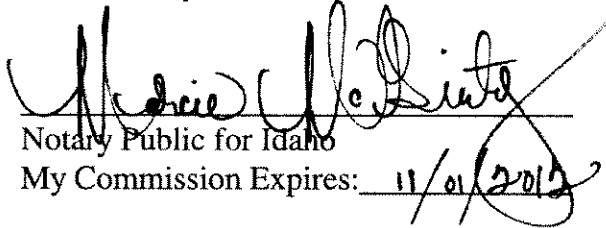
Prosecution attorney fees	\$2,002.60
Mary A. Curran, Expert	2,475.00
Hearing officer fees	638.00
Investigative costs	<u>3,837.50</u>
Total	\$8,953.10

This concludes my affidavit.


Budd Hetrick

SUBSCRIBED AND SWORN TO before me this 20th day of November, 2006.




Notary Public for Idaho
My Commission Expires: 11/01/2012

CERTIFICATE OF SERVICE

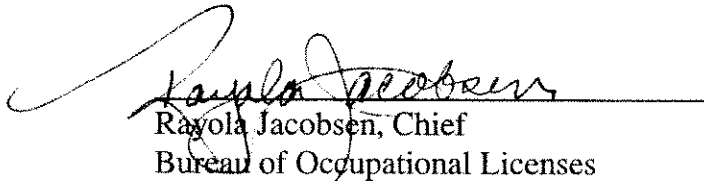
I HEREBY CERTIFY that on this 21st day of November, 2006, I caused to be served a true and correct copy of the foregoing by the following method to:

Anthony M. Valdez
BENOIT, ALEXANDER, HARWOOD,
HIGH & VALDEZ, LLP
P.O. Box 366
Twin Falls, ID 83303-0366

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail

Emily A. Mac Master
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☒ Statehouse Mail


Rayola Jacobsen, Chief
Bureau of Occupational Licenses

AFFIDAVIT OF EMILY A. MAC MASTER

STATE OF IDAHO)
) ss.
County of Ada)

I, Emily A. Mac Master, being first duly sworn, depose and say:

1. I am a Deputy Attorney General for the State of Idaho and the prosecuting attorney for the Idaho State Board of Social Work Examiners (the "Board") in In the Matter of the License of Edward P. McCarroll, Case No. SWO-2005-11.

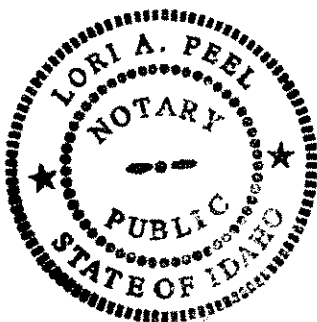
2. The Attorney General's Office prosecutes for the Board in this proceeding pursuant to its authority under Idaho Code §§ 67-1401, *et seq.* The Board has incurred legal fees in prosecuting this action. Based upon my examination of the file and the services performed, on a reasonable hourly rate and on my knowledge of fees generally, it is my opinion that the reasonable attorney fees to be awarded to the Board in this action are \$2,002.60. An itemization of attorney fees, including the date that the services were rendered, the personnel providing the services, the type of service, the time expended, and the total dollar charged, is attached to this affidavit.

3. To the best of my knowledge and belief, the items listed on the attached statement are correct and the costs claimed are in compliance with I.R.C.P. 54(d)(5).

This concludes my affidavit.

Emily A. MacMaster
Emily A. Mac Master

SUBSCRIBED AND SWORN TO before me this 17th day of November, 2006.



Lori A. Peel
Notary Public for Idaho
My Commission Expires: 11/5/09

Exhibit A
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STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
Statement of Attorneys' Fees and Costs

Matter: Board of Social Work Examiners/McCarroll
A.G. No.: 20050334

Date	Initials	Description	Time	Amt.
6/13/05	LAP	Review files	1.2	45.60
6/16/05	LAP	Prepare Board memorandum	1.8	68.40
8/1/05	LAP	Prepare Consent Order and letter to Respondent	4.7	178.60
8/3/05	SNG	Review and revise Consent Order and letter to Respondent	1.5	57.00
9/27/05	SNG	Phone conf w/Respondent's attorney; review file	.5	19.00
11/15/05	SNG	Review correspondence and documents regarding ATSA investigation; correspondence with attorney regarding same	1.0	38.00
12/7/05	SNG	Review correspondence from attorney; correspondence to attorney regarding Stipulation	.5	19.00
12/12/05	SNG	Draft complaint	1.0	38.00
12/18/05	SNG	Continue to draft complaint	2.8	106.40
12/21/05	SNG	Continue to draft complaint; correspondence to investigator requesting additional investigation	1.0	38.00
12/22/05	SNG	Letter to investigator	.1	3.80
1/3/06	SNG	Letter to investigator requesting additional information	.2	7.60
3/20/06	EAM	Review file; prepare for and appear telephonically at status conference	1.1	41.80
5/25/06	EAM	Phone calls to investigator and expert to confirm meetings for hearing preparation; conference with expert regarding case	.5	19.00
6/2/06	EAM	Review investigative reports and documentary exhibits; call from Respondent's counsel concerning possibility of settlement of claims	4.5	171.00
6/4/06	EAM	Review exhibits to investigative reports	1.0	38.00
6/5/06	EAM	Meet w/expert to prepare expert for hearing; call from Respondent's attorney concerning proposed procedure in lieu of hearing based upon Respondent's agreement to admit facts and violations; review draft stipulations	5.6	212.80

Exhibit A

Page 2 of 3

Date	Initials	Description	Time	Amt.
6/5/06	LAP	Prepare stipulations; re: facts and violations and documents under seal; redact documents	2.1	79.80
6/6/05	EAM	Negotiate and revise stipulation for procedure in lieu of hearing, stipulation for filing documents under seal and stipulation regarding facts and violations; calls to Bureau, Respondent's counsel and Hearing Officer regarding same; continue to prepare for hearing	4.0	152.00
7/5/06	EAM	Review Respondent's affidavit and scheduling order for contested matter	.4	15.20
7/6/06	EAM	Review Respondent's mitigation evidence; strategize response to same; research state law regulating evaluators for the Sexual Offender Classification Board	5.0	190.00
7/7/06	LAP	Prepare letter to Hearing Officer and Respondent's attorney	.6	22.80
7/25/06	EAM	Research for and preparation of closing brief	6.6	250.80
7/26/06	EAM	Review correspondence from Respondent's counsel and execute stipulation for extension of time	2.1	79.80
8/4/06	EAM	Preparation of closing brief, including revising and finalizing brief; call to Respondent's counsel regarding dismissal of one count	2.1	79.80
8/16/06	EAM	Review Respondent's closing brief	.3	11.40
8/16/06	EAM	Telephone call to Respondent's attorney regarding status of proposed stipulation	.2	7.60
9/18/06	EAM	Review Hearing Officer's Findings of Fact, Conclusions of Law and Recommended Order	.2	7.60
11/15/06	EAM	Review Final Order	.1	3.80
Total Fees			52.7	\$2002.60

RECAPITULATION				
Initials	Name	Hours	Rate	Total
SNG	Stephanie N. Guyon, Deputy Attorney General	8.6	38.00	\$326.80
EAM	Emily A. Mac Master, Deputy Attorney General	33.7	38.00	\$1280.60
LAP	Lori A. Peel, Paralegal	10.4	38.00	\$395.20

VOUCHER

RECEIVED
MAR 25 2005
OCCUPATIONAL LICENSES

TO; IDAHO STATE BOARD OF SOCIAL WORK EXAMINERS

FROM: Mary A. Curran *mac*
408 E. Sheridan Ave.
Nampa, Idaho 83686
(208) 467-3461

DATE: March 25, 2005

TIME SPENT ON CASES

CASE # [REDACTED] [REDACTED]	6.5 HOURS	650.00
CASE # SWO-P4C-03-03-17 Edward McCarroll/Dennis Mintun	8.25 HOURS	825.00
CASE # SWO-P3-3-2004-23 Edward McCarroll/Mellisa Kowitz Toby La Pray	11.5 HOURS	1,150.00
CASE #SWO-P3-3-2004-24 Edward McCarroll/Derrick Hughes	5 HOURS	500.00

TOTAL NUMBER OF BILLABLE HOURS 31.25 HOURS

BILLING RATE: \$100.00 per hour

TOTAL BILL: \$3,125.00

Exhibit B
Page 1 of 1

Uranga & Uranga

714 North 5th Street

P.O. Box 1678

Boise, Idaho 83702

Ph:(208) 342-8931

Fax:(208) 384-5686

RECEIVED**OCT 16 2006****OCCUPATIONAL LICENSES**

Bureau of Occupational Licenses

October 4, 2006

Owyee Plaza

1109 Main St., Ste. 220

Boise, ID 83702-5642

Attention:

File #: J03083-026

Inv #: 23578

RE: McCarroll, Edward P.; Case No. SWO-2005-11

DATE	DESCRIPTION		HOURS	AMOUNT
Jan-25-06	Review files.	\$110.00	0.10	11.00
Feb-01-06	Review Notice of Service.	\$110.00	0.10	11.00
Feb-22-06	Review Answer.	\$110.00	0.10	11.00
	Letter to attorneys.	\$110.00	0.30	33.00
Feb-28-06	Review letters from attorneys; prepare Notice of Prehearing Conference.	\$110.00	0.40	44.00
Mar-20-06	Conduct prehearing conference; prepare Notice of Hearing; letter to Court Reporter.	\$110.00	0.70	77.00
Jun-06-06	Talk to Emily and Court Reporter; talk to both attorneys and Court Reporter; review Stipulation.	\$110.00	0.30	33.00
Jul-10-06	Review letter from attorney.	\$110.00	0.10	11.00
Jul-26-06	Review stipulation.	\$110.00	0.10	11.00
Aug-06-06	Review Brief from Emily.	\$110.00	0.10	11.00
Sep-13-06	Review all pleadings; begin review of exhibits.	\$110.00	0.80	88.00

5168 03

Exhibit C
Page 1 of 2

Invoice #: 23578

Page 2

October 4, 2006

Sep-14-06	Dictate first draft of Recommended Order; prepare Schedule for Review.	\$110.00	1.70	187.00
Sep-15-06	Work on next draft; finalize.	\$110.00	0.70	77.00
Oct-03-06	Letter to Marcie McGinty.	\$110.00	0.30	33.00

Totals		5.80	\$638.00
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Total Fees, Disbursements & GST	\$638.00
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Previous Balance	\$0.00
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Previous Payments	\$0.00
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(Previous Payment on Principal After Accrued Interest Paid.)

12.00%	\$0.00
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Balance Due Now	\$638.00
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Exhibit C
Page 2 of 2

Board of Social Work Examiners/McCarroll

Investigator Time

Investigator: Penny J. Ragland

Investigation No.	Hours	Hourly Rate	Total
SWO-P4C-3-2003-17 (D.M.)	34.5	\$25	\$ 862.50
SWO-P3-3-2004-23 (T.L.)	90.0	\$25	2,250.00
SWO-P3-3-2004-24 (D.H.)	29.0	\$25	725.00
Total			\$3,837.50

Exhibit D
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